

REMARKS

Claims 60-86 remain in this application. Claims 31-59 have been cancelled without prejudice. Claims 60-86 have been added. The new claims are supported by the specification and no new matter has been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102(e) Rejection – Sezan

The Examiner has rejected claims 31-34 and 36-59 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,236,295 issued to Sezan et al. (hereinafter referred to as “Sezan”). The Applicants respectfully submit that the present claims are allowable over Sezan.

Claim 60 recites an apparatus comprising “*a portable medium; a machine-readable medium of the portable medium; and a template database including a plurality of user preference templates that each correspond to a different electronic device*”. Sezan does not teach or suggest these limitations.

In particular, Sezan does not teach or suggest a template, or a template database, let alone a template database including a plurality of templates that each correspond to a particular electronic device. Applicant has carefully reviewed and searched Sezan, and has found absolutely no mention whatsoever of a template or of a template database.

In the present Office Action, the Examiner appears to interpret the data storage unit 50 shown in Figure 2 as a template database. However, Applicants respectfully submit that the data storage unit 50 is not a template database. It appears to be only a storage device, such as storage device, such as memory or magnetic media (see e.g.,

column 9, lines 5-8). As understood by Applicants, there is no teaching or suggestion that it include a database, let alone a template database.

Also, in the present Office Action, the Examiner appears to suggest that certain aspects of the template database are disclosed at column 10, lines 38-46, which reads as follows:

“The average consumer has an ever increasing number of multimedia devices, such as a home audio system, a car stereo, several home television sets, web browsers, etc. The user currently has to customize each of the devices for optimal viewing and/or listening preferences. By storing the user preferences on a removable storage device, such as a smart card, the user may insert the card including the user preferences into such media devices for automatic customization.”

As is plain to see, there is absolutely no mention whatsoever of a template or of a database at column 10, lines 38-46.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *“For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, claim 60 is believed to be allowable over Sezan. Claims 61-66 and 84 depend from claim 60 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Independent claims 67, 73, and 79, as well as their dependent claims, are believed to be allowable for similar reasons.

35 U.S.C. §103(a) Rejection - Sezan in view of Feyt

The Examiner has rejected claim 35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,236,295 issued to Sezan et al. (hereinafter referred to as “Sezan”) in view of U.S. Patent No. 6,698,662 issued to Feyt et al. (hereinafter “6,698,662”).

The Applicants respectfully submit that claim 35 has been cancelled. Further, Applicants do not admit the appropriateness of combining Sezan and Feyt and may elect to argue that such a combination is not appropriate at a later date.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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